

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson and Administrative Member.

Case No. –OA 281 of 2024

Dr. Shibaji Gupta. - Versus - The State of West Bengal & Others.

Serial No. and
Date of order

For the Applicant

: Mr. M. N. Roy,
Mr. S. Ghosh,
Advocates.

01
18.06.2024.

For the State Respondents

: Mr. G. P. Banerjee,
Advocate.

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638-WBAT/2J-15/2016 (Pt. II) dated 23rd November, 2022 issued in exercise of the powers conferred under Section 5 (6) of the Administrative Tribunals Act, 1985.

The affidavit of service filed today be kept on record.

Prayer in this application with a direction to the respondents to issue “No Objection Certificate (NOC)” in favour of the applicant.

From the submission of the learned advocate for the applicant it appears that the applicant had submitted a representation before the respondent authorities on 23.11.2023 praying for permission to appear in the recruitment process for the post of Assistant Professor at Jawaharlal Institute of Post Graduate Medical Education and Research (JIPMER), Puducherry. Mr. Roy submits that in a similar case : OA-253 of 2024 - Dr. Madhumita Mondal –Vs. – The State of West Bengal and Others, the Tribunal was pleased to pass a direction upon the respondent authorities. This applicant has applied for the post and has been invited to appear in the interview to be conducted soon by the Institute. Unless the NOC is submitted, such interview will not materialise.

Mr. Roy also relies on an order passed by the Hon'ble High Court in W.P.S.T. No. 137 of 2023 in a matter relating to Dr. G. R. Chowdhury –Vs- State of West Bengal and Others. From the copy of the order, the Hon'ble High Court had directed the respondent authorities to issue the ‘No Objection Certificate’.

Mr. Banerjee, learned counsel submits that if any direction is

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given to the respondents, the same will be complied as per rules. Mr. Banerjee further submits that the respondent authority needs to check whether the applicant is similarly circumstanced as the petitioners in W.P.S.T 137 of 2023 with W.P.S.T. 127 of 2023 or not.

Having heard the submissions of the learned counsels, this application is disposed of by directing the respondent No. 3, the Director of Medical Education to examine the relevance of the order passed in W.P.S.T. 137 of 2023 and 127 of 2023 and if it appears that this applicant is similarly circumstanced, necessary order may be passed accordingly within three weeks from the date of communication of this order.

Accordingly, the application is disposed of.

(SAYEED AHMED BABA)
Officiating Chairperson and Member (A)

SM